

### **REMARKS/ARGUMENTS**

Claims 37, 38, and 40-42 have been canceled by way of this amendment. The remaining claims have been amended as set forth above.

Claims 36-48 were rejected as being unpatentable over 35 U.S.C. §103(a) over Wong et al. (US 5,667,804) in view of Appel et al. (US 5,256,440). Claims 37, 38, and 40-42 have been cancelled. Accordingly, rejection of these claims is moot. Reconsideration of the rejection of claims 36, 39, and 43-48 is respectfully requested.

Amended claim 36 recites a system for fabricating an active agent dosage form for the prolonged delivery of the active agent which comprises a source of blanks, each blank comprising an active agent and a groove circumscribing an external surface of the blank, and a forming means which engages the groove and aligns the blank for forming a band in the groove.

Wong et al. do not teach a system for fabricating an active agent dosage form comprising a source blanks, where each blank comprises a groove circumscribing an external surface thereof. Appel et al. also fail to overcome this deficiency. The blank shown in Appel et al. do not have a groove circumscribing an external surface thereof.

Wong et al. teach a Tait capsealer machine for forming a banded dosage form. However, the Tait capsealer machine mentioned in the Wong et al. patent is not necessarily the same as Tait capsealer machine disclosed in the instant application. Tait capsealer machines are typically acquired and modified to form specific types of dosage forms. In the instant application, the Tait capsealer machine is modified such that uniform bands can be formed in grooves in blanks. For example, as stated on page 26, lines 25-28, of the specification of the instant application, “[t]he capsules are fed into a Tait capsealer machine, modified as described herein, where the rotating printing wheels engage the grooves and align the blank for the printing operation.” Wong et al. do not teach such a system of fabricating an active agent dosage form. Appel et al. also fail to overcome the deficiency in Wong et al.

In view of the above, claim 36 is not obvious over Wong et al. in view of Appel et al. Withdrawal of the rejection of claim 36 is respectfully requested. Claims 39 and 43-48, being dependent on claim 36, are likewise patentable in view of the foregoing arguments.

Applicant believes that this paper is fully responsive to the Office Action dated June 27, 2005, and respectfully requests favorable action on this application.

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Respectfully submitted,

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